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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,664	04/01/2004	Robert C. Otterson	1360-001/ddh	1040
21034	7590	09/28/2006	EXAMINER	
IPSOLON LLP 111 SW COLUMBIA SUITE 710 PORTLAND, OR 97201			PATEL, RITA RAMESH	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,664

Applicant(s)

OTTERSON, ROBERT C.

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Appeal Brief, filed 8/29/06, with respect to the rejection(s) of claim(s) 1-15 under Chayer (US Patent No. 5,029,758) in further view of Straiton (US Patent No. 5,898,970) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Claims 1-20 are pending. Claims 16-20 are withdrawn from further consideration as being drawn to a non-elected invention. However, upon further consideration, a new ground(s) of rejection is made in view of Poppitz (US Patent No. 6,012,645).

### ***Drawings***

The drawings received 4/1/04 are acceptable for examination purposes.

### ***Claim Objections***

Claim 14 is objected to because of the following informality: the phrase "high pressure distribution means of to the pump" does not grammatically follow; it appears that the word 'of' or 'to' is superfluous, and is not required in this claim language. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poppitz (US Patent No. 6,012,645).

Poppitz teaches a cleaning apparatus having a pan-shaped housing used to clean horizontal surfaces, such as a floor. Mounted on the top of the housing is a spinner assembly having a tubular shaft rotatably mounted therein carrying tubular arms within the housing. Cleaning fluid flows through the spinner assembly into the arms and is discharged through nozzles having orifices mounted on the ends of the arms. Also, a three position valve controls the flow of water and disinfectant liquid through the cleaning apparatus (Abstract). The apparatus of Poppitz has caster wheels 57 mounted to the frame 49 of the chassis. The spinner assembly 36 reads on applicant's claim for a rotary valve; and nozzles 77, 78 read on applicant's claim for a nozzle mounted to each wand.

Poppitz teaches the cleaner 20 has a three position valve 26 for controlling the flow of water under pressure in hose 25 from a pump or other pressure source. Thus, Poppitz fails to teach said pump mounted to the top of the chassis. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to mount the pump of said cleaning apparatus to the chassis to provide increased portability of

the system and maintain all the operating components together on the chassis. The apparatus of Poppitz if formed such that the pump was made portable by attaching it to the top of the chassis would achieve the same results in providing a high pressure of liquid outflow, and concurrently achieve means for portability and increased usability. It has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23 (CCPA 1952). Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the pump specifically to the washing apparatus since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893). Integrally attaching the pump to the chassis of Poppitz would produce desired mobility of the entire apparatus, without producing any unexpected results. Mobility is preferred for such a washing machine because as taught by Poppitz, cleaner 20 is a portable unit that can be readily moved and used to clean floors and horizontal surfaces in numerous places (col. 2, lines 25-27). Incorporating the pump to the body of the chassis such that it is integral and mobile would have been readily envisaged by one of ordinary skill in the art to provide easier movement of the apparatus for cleaning floors and other horizontal surfaces.

The spinner assembly operates to diffuse high pressure liquid out of the spray nozzles 77, 78 in a circular pattern. The bottom ends 35 of Poppitz reads on applicant's claim for a pair of diffuser plates mounted to the chassis between the nozzles and the surfaces such that the diffuser plates occlude at least a portion of the path.

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Poppitz's three position valve 26 may at once envisage applicant's claim for a first and second valve; a tube connects bottle 30 to valve 26, and hose 25 is connected from the pump supply to valve 26. The outlet to valve 26 leads to hose 24 which feeds to the chassis. When lever 27 is moved to the left position only water flows through valve 26 into hose 24; when lever 27 is moved to the right position a venturi is created whereby the water flowing through valve 26 draws liquid from bottle 30 into the flowing water; the middle position of lever 27 closes valve 26 (col. 2, lines 38-46). The three way valve 26 obviates applicant's claim for a first and second valve for providing liquid to the rotary valve. It would be obvious to one of ordinary skill in the art at the time of the invention to use substitution of known equivalent structures. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958). A three way valve is known to provide liquid flow from two bodies into a third pipeway, such as is achieved by the first and second valves claimed by the applicant. Said first and second valves is an equivocal means in the art for achieving regulation means of liquid flow, as notably achieved by the three way valve of Poppitz.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RRP



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER